Supreme Court

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No.

IN THE

Supreme Court of the United States

October Term, 1998

LEONA R. ANDERSON,

Petitioner,

v.

IMPERIAL CENTER V, L.P., a California Limited Partnership, ET AL.,

Respondents.

Supplement To Appendix
On Petition For Writ Of Certiorari
To The United States Court of Appeals
For the Ninth Circuit

Leona R. Anderson
Petitioner, Pro Se
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4 pp

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LEONA ANDERSON,	) CIVIL NO. 95-1881-R (BTM)
Plaintiff,	) ORDER GRANTING IN PART
	) AND DENYING IN PART
	) DEFENDANTS'
v.	) MOTION TO DISMISS THE
	) COMPLAINT
IMPERIALCENTER V., L.P., et al.	)
Defendants.	)

This matter is before the Court on Defendants' motion to dismiss Plaintiff Leona Anderson's complaint on the basis of *res judicata.*

After carefully considering the pleadings and briefing in this case and taking judicial notice of Anderson's pleadings in state court, this Court finds as follows:[1]

1. Plaintiff's federal action is barred under the doctrine of *res judicata* with respect all Defendants against whom a final judgment has been obtained in state court. See *Robi v. Five Platters, Inc.*,838 F. 2d 318, 321-23 (9th Cir.1988);[2]
2. A final judgment has been obtained in state court against all Defendants except for Hale Surveyors, Inc.;
3. This action is dismissed with prejudice with respect to all Defendants except for Hale Surveyors, Inc.;
4. This Court finds there is no just reason for delay and directs the clerk of the court to enter a final judgment under Fed.R.Civ.P. 54(b) with respect to all Defendants except for Hale Surveyors, Inc.;

1/ See Fed. R. Civ. P. 52(a) ("Findings of fact and conclusions of law are unnecessary on decisions of motions under Rule 12 or 56.").

2/ This finding applies to Defendants in this action who were not named in the state court action but were in privity with parties who litigated the state court action.

5. This Court declines to exercise supplemental jurisdiction over Anderson's remaining state law claims, see *United Mine Workers v. Gibbs*, 383 U.S. 715, 726 (1966) ; 28U.S.C. § 1367 (c) (3) ;

6. Since the remaining Defendant, Hale Surveyors, Inc., is in bankruptcy, in the interest of sound judicial administration, it is hereby ordered that the clerk of this court is to close this matter, subject to reopening upon notice by either party if further proceedings are necessary.

IT IS SO ORDERED:
Date: 2/20/96

"s/_____".
John S. Rhoades, Sr.
United States District Judge

Copies to :

All Parties